

FEB 28 2005

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

JOSEPH M. PEIL,

Plaintiff,

v.

OLLIE WADSWORTH,

Defendant.

Civil Action No. CV-2004-87

FIRST AMENDED COMPLAINT

Plaintiff amends his Complaint as follows:

1. Plaintiff re-asserts and re-alleges each and every count of the original Complaint as if fully set out herein.

MISREPRESENTATION AND SUPPRESSION

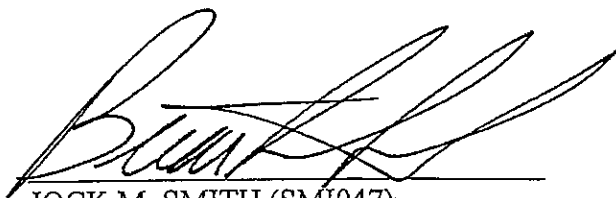
2. Plaintiff alleges that in February, 2003, and continuing for a period of several months, Defendant repeatedly made representations that the closing on the property would take place at certain dates and times. These representations were false and defendant knew they were false. Plaintiff relied on them to his detriment by traveling to Alabama, paying earnest money, and otherwise forbearing on other properties. In the alternative, Defendant suppressed the fact that she had no intention to sell the property and going through with the closing on the various dates. Plaintiff relied and was injured as aforesaid.

Wherefore, Plaintiff demands an amount of compensatory and punitive damages as a jury may award, plus costs.

EXHIBIT

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brian P. Strength", written over a horizontal line.

JOCK M. SMITH (SMI047)

BRIAN P. STRENGTH (STR052)

Attorneys for Plaintiff

OF COUNCIL:

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